



PATENT  
Customer No. 22,852  
Attorney Docket No. 05725.1302-00

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Louis MARCOTTE et al. ) Group Art Unit: 3751  
Application No.: 10/821,838 ) Examiner: David J. Walczak  
Filed: April 12, 2004 ) Confirmation No.: 2681  
For: SYSTEM FOR APPLYING A )  
MAKEUP AND/OR BEAUTY CARE )  
FORMULATION )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**TERMINAL DISCLAIMER**

Assignee, L'Oréal S.A., duly organized under the laws of France and having its principal place of business at 14, rue Royale, 75008 Paris, France, represents that it is the assignee of the entire right, title, and interest in and to the above-identified application, Application No. 10/821,838, filed April 12, 2004, for SYSTEM FOR APPLYING A MAKEUP AND/OR BEAUTY CARE FORMULATION in the names of Louis MARCOTTE and Valérie DE LA POTERIE, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 015935, Frame 0690, on October 28, 2004. Assignee, L'Oréal S.A., further represents that it is the assignee of the entire right, title and interest in and to U.S. Patent Application No.

10/822,178, as indicated by an Assignment duly recorded in the United States Patent and Trademark Office at Reel 016009, Frame 0658, on November 23, 2004.

To obviate a double patenting rejection, Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent Application No. 10/822,178. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent issuing from U.S. Patent Application No. 10/822,178 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of any patent issuing from U.S. Patent Application No. 10/822,178, as presently shortened by any terminal disclaimer, in the event that any patent issuing from U.S. Patent Application No. 10/822,178 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee payment of \$130.00 is being filed with this disclaimer.

If a check for the required fee is not filed concurrently herewith, or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to our Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916.

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: February 27, 2006

By: 

Anthony M. Gutowski  
Reg. No. 38,742